

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHRISTOPHER WILLIAMS,

Plaintiff,

v.

JACKIE FLUAITT, et al.,

Defendants.

No. CV-12-5017-JTR

ORDER ADOPTING REPORT AND
RECOMMENDATION

BEFORE THE COURT is Magistrate Judge Rodgers' November 4, 2013, Report and Recommendation to Grant Defendants' Motion for Summary Judgment. ECF No. 120. Plaintiff appears *pro se*. Defendants are represented by Candie M. Dibble and Joseph T. Edwards. On December 6, 2013, Plaintiff filed an objection to the Report and Recommendation. ECF No. 124. Defendants filed a response to the objection on December 17, 2013. ECF No. 129.

The Court has liberally reviewed Plaintiff's submission in the light most favorable to Plaintiff and finds it fails to present any reasonable objection to the November 4, 2013, Report and Recommendation to grant Defendants' motion for summary judgment, deny Plaintiff's cross-motion for summary judgment and dismiss Plaintiff's complaint.

A. RLUIPA CLAIMS

Plaintiff argues he was denied the ability to participate in the Islamic fast of Ramadan in 2011 in violation of RLUIPA. As correctly stated by the Magistrate Judge, the Eleventh Amendment bars Plaintiff's suit against all Defendants for official-capacity damages under RLUIPA, RLUIPA does not authorize a claim for damages against Defendants in their individual capacities, and the equitable relief requested by Plaintiff is no longer available because Ramadan 2011 has passed. ECF No. 120 at 6-9.

B. FIRST AMENDMENT CLAIMS

Plaintiff additionally contends Defendants violated his civil rights under the First Amendment Free Exercise Clause by preventing him from participating in the Islamic fast of Ramadan in 2011, despite the fact that extra meals were available. Plaintiff, however, has failed to show that the DOC's sign up procedure for Ramadan 2011 amounted to a substantial burden upon his right to freely practice his religion or that the penological interests alleged by the DOC were not legitimate.

C. EQUAL PROTECTION

Plaintiff also argues his equal protection rights were violated due to the DOC's denial of his request to be added to the Ramadan participation list after the sign up deadline had passed. Based on declarations submitted by Defendants, it is apparent all inmates were treated the same with respect to the sign up procedure for Ramadan 2011, DOC policy provided for the addition of late arriving inmates on the list and Plaintiff was not a late-arriving inmate, and a random selection drawing was conducted for the distribution of the remaining Ramadan meals. As properly determined by the Magistrate Judge, under these circumstances, there is no showing Plaintiff was intentionally treated differently than any other similarly situated person

D. RETALIATION

Plaintiff lastly asserts his late request for placement on the 2011 Ramadan list was denied in retaliation for filing a grievance. Plaintiff, however, has failed to demonstrate the after-deadline refusal to add his name to the Ramadan meal list was due to his filing of a grievance.

The Court concludes the Magistrate Judge's findings are correct in this case. Accordingly, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** Magistrate Judge Rodgers' Report and Recommendation, **ECF No. 120**, in its entirety.
2. Defendants' Motion for Summary Judgment, **ECF No. 65**, is **GRANTED**.
3. Plaintiff's Motion for Summary Judgment, **ECF No. 82**, is **DENIED**.
4. Plaintiff's Complaint, **ECF No. 8**, is **DISMISSED WITH PREJUDICE**.
5. All hearings and other deadlines are **STRICKEN**.
6. This file shall be **CLOSED** and **JUDGMENT** shall be **ENTERED** for **DEFENDANTS**.
7. The Court certifies any appeal of this dismissal would not be taken in good faith.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide a copy to Plaintiff and counsel for Defendants.

DATED this 23rd day of December, 2013.

s/Lonny R. Suko

LONNY R. SUKO
Senior U.S. District Court Judge